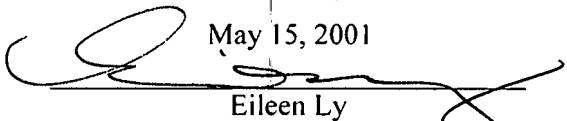




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Patent Docket P0963R1D1
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of James Lee et al. Serial No.: 09/313,299 Filed: May 17, 1999 For: VEGF-RELATED PROTEIN	Group Art Unit: 1646 Examiner: J. Murphy <div style="border: 1px solid black; padding: 5px;"><p style="text-align: center; margin: 0;">CERTIFICATE OF MAILING</p><p style="font-size: small; margin: 0;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on</p><p style="text-align: right; margin: 0;">May 15, 2001</p><p style="text-align: right; margin: 0;"> Eileen Ly</p></div>
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RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. §1.111

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action mailed April 24, 2001. Please kindly consider the remarks set forth below.

Claims 40-64 are rejected under 35 U.S.C. 112, first paragraph, as containing new matters because, according to the Examiner, the specification as originally filed does not provide support for the invention encompassing specified amino acid residues of SEQ ID NO:3, as currently claimed.

Both in the Office Action and during a follow-up telephone conversation with the undersigned attorney, the Examiner has invited applicants to provide more sufficient direction as to the written description within the specification for the recited sequence limitations of claims 40-64. Applicants submit that, as explained in the previous response, the "limitations" at issue can find literal support in the specification as originally filed, although they were recited as portions of Figure 1 instead of SEQ ID NO:3. As indicated on page 8, line 2-5, the amino acid sequence of Figure 1 is the same sequence of SEQ ID NO:3. Furthermore, same limitations were recited in claims originally filed in the parent application, as well as the previously pending claim 33 of the present application.

To further demonstrate the identical nature of the sequence limitations as presently claimed with those as originally filed, applicants submit the following table comparing side-by-



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side each specific limitation as presently claimed, corresponding region in Figure 1 and exemplary literal support found in the specification.

Residues of SEQ ID NO:3 as recited in the pending claims	Corresponding residues of Figure 1	Description of the residues in the specification
21-49	1-29	page 9, line 21
1-49	-20-29	page 9, line 24
21-157	1-137	page 9, line 23
1-157	-20-137	page 9, line 25
21-419	1-399	page 9, lines 15-16

Applicants believe that the sequence comparison as set forth above provides sufficient direction for the written description of the elements as recited in the claims. As such, the claims do not introduce new matters and are in condition for allowance. An early Notice to that effect is respectfully requested. In the event that the Examiner wishes to discuss any aspect of this response or of the application, he is invited to telephone the undersigned attorney at (650) 225-8674. Applicants will be pleased to submit documents necessary to advance this application to issuance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extension of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 07-0630. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,
GENENTECH, INC.

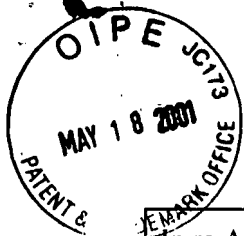
Date: May 15, 2001

By: Steven X. Cui
Steven X. Cui
Reg. No. 44,637
Telephone: (650) 225-8674



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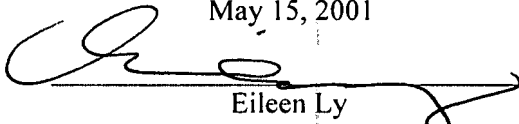
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Patent Docket P0963R1D1

MAY 22 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of James Lee et al. Serial No.: 09/313,299 Filed: May 17, 1999 For: VEGF-RELATED PROTEIN	Group Art Unit: 1646 Examiner: J. Murphy CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on May 15, 2001  Eileen Ly
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AMENDMENT TRANSMITTAL

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Additional Fees
Total	25	-	25	0	18	\$0.00
Independent	3	-	3	0	80	\$0.00
___ 0 Multiple dependent claim(s), if any					270	\$0.00
Total Fee Calculation						\$0.00

 X

No additional fee is required.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$. **A duplicate copy of this transmittal is enclosed.**

Petition for Extension of Time is enclosed.

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,
GENENTECH, INC.

By: 

Steven X. Cui

Reg. No. 44,637

Telephone No. (650) 225-8674



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